IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

Kamru Khan Vs. State of Rajasthan & Ors.

**S.B.CR.MISC. PETITION NO.333/2005**

against the order dt.8.2.2005 passed by the Judicial Magistrate, Sojat City.

DATE OF ORDER :: August 23, 2006

**PRESENT**

**HON'BLE MR.JUSTICE H.R.PANWAR**

Mr.Pritam Solanki, for the petitioner.

Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.Suresh Kumbhat, for non-petitioners.

**BY THE COURT:**

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt.8.2.2005 passed by the Judicial Magistrate, Sojat City (for short 'the trial court' hereinafter) whereby the trial court accepted the negative final report submitted by the police and dismissed the protest petition filed by the petitioner.

I have heard learned counsel for the parties. Carefully gone through the order impugned as also the record of the trial court.

From perusal of the order impugned, it appears that the matter was investigated again and again by the police and after investigation, the police came to the conclusion that there had no such occurrence as alleged by the petitioner in the first information report. Thereafter, the petitioner filed a protest petition, however, he did not lead any evidence. The trial court, on considering the statements of the witnesses recorded by the police under section 161 Cr.P.C. and other material placed on record, came to the conclusion that there is no reason to disagree with the conclusion arrived at by the police and accordingly accepted the negative final report and dismissed the protest petition.

Learned counsel for the non-petitioners submits that the controversy involved in the instant case stands covered by a decision of this Court in Om Prakash vs. State of Rajasthan & Anr., **2002(3) R.Cr.D. 380 (Raj.)**, wherein this Court held that after investigation police reached the conclusion that prima facie no offence is made out against the accused. Even in the protest petition, the petitioner did not produce any other evidence

except the material collected by the police which was not sufficient to constitute cognizable offence.

In the instant case, the facts are almost identical. After filing the negative final report, the petitioner filed the protest petition but did not produce any evidence or material in support of his protest petition and on the investigation diary, there being no sufficient material to proceed against the petitioner. In the circumstances, therefore, the order impugned does not call for any interference in the inherent jurisdiction.

Consequently, the petition is dismissed. Record of the trial court be returned forthwith.

**[H.R.PANWAR],J.**

**m.asif/-**